

**SUPREME COURT MINUTES
FRIDAY, FEBRUARY 10, 2006
SAN FRANCISCO, CALIFORNIA**

S139268

CORTEZ (MICHAEL A.) ON H.C.
Petition ordered withdrawn

S140620

H027076 Sixth Appellate District

BOLTON v. HEYERMANN
Petition ordered withdrawn

Pursuant to written request of petitioner the
above-entitled petition for review is ordered
withdrawn.

S140920B188523 Second Appellate District,
Division Three

RUIZ v. S.C. (PEOPLE)
Petition for review and application for stay denied

S139548

C051172 Third Appellate District

BARRIES (ALLEN ARTHUR) ON H. C.
Time extended to grant or deny review

to March 10, 2006.

S139549B187253 Second Appellate District,
Division One

BLEDSON (CARLOS) ON H.C.
Time extended to grant or deny review

to March 10, 2006.

S139733A104987 First Appellate District,
Division Two

PEOPLE v. ORTEGA
Time extended to grant or deny review

to March 17, 2006

S141055

BARBER (JEWELL) ON H.C.
Time extended for granting review

On the court's own motion to March 14, 2006.

S044739

PEOPLE v. BANKSTON (ANTHONY G.)

Extension of time granted

to April 17, 2006 to file the appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon State Public Defender Michael J. Hersek's representation that he anticipates filing that brief by October 19, 2006.

S048763

PEOPLE v. NELSON (SERGIO D.)

Extension of time granted

to April 17, 2006 to file the respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General Sharon E. Loughner's representation that she anticipates filing that brief by April 17, 2006.

S052374

PEOPLE v. BROWN (STEVEN)

Extension of time granted

to April 14, 2006 to file the appellant's opening brief. After that date, only three further extensions totaling about 165 additional days will be granted. Extension is granted based upon counsel Emry J. Allen's representation that he anticipates filing that brief by September 30, 2006.

S057321

PEOPLE v. LOMAX (DARREL L.)

Extension of time granted

to April 10, 2006 to file the respondent's brief. After that date, no further extension will be granted. Extension is granted based upon Deputy Attorney General David A. Vogt's representation that he anticipates filing that brief by April 10, 2006.

S059531

PEOPLE v. REDD (STEPHEN MORELAND)

Extension of time granted

to April 17, 2006 to file the respondent's brief. After that date, only one further extension totaling about 15 additional days will be granted. Extension is granted based upon Deputy Attorney General Jennifer A. Jadovitz's representation that she anticipates filing that brief by April 30, 2006.

S064415

PEOPLE v. BRAMIT (MICHAEL L.)

Extension of time granted

to April 17, 2006 to file the appellant's opening brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Deputy State Public Defender Peter R. Silten's representation that he anticipates filing that brief by mid June 2006.

S067353

PEOPLE v. GONZALES (IVAN)

Extension of time granted

to April 24, 2006 to file appellant's opening brief. After that date, only four further extensions totaling about 240 additional days will be granted. Extension is granted based upon Deputy State Public Defender Craig Buckser's representation that he anticipates filing that brief by December 2006.

S085193

PEOPLE v. NELSON (BERNARD A.)

Extension of time granted

to April 28, 2006 to file the appellant's opening brief.

S091915

PEOPLE v. NUNEZ & SATELE

Extension of time granted

to April 21, 2006 to file appellant Nunez's opening brief.

S095223

PEOPLE v. BLOOM (ROBERT MAURICE)

Extension of time granted

to April 17, 2006 to file the appellant's opening brief.

S130722

RUNDLE (DAVID) ON H.C.

Extension of time granted

to April 17, 2006 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Senior Deputy State Public Defender Evan Young's representation that he anticipates filing that document by August 2006.

S134365

FAUBER (CURTIS L.) ON H.C.

Extension of time granted

to April 10, 2006 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Deputy Federal Public Defender John Littrell's representation that he anticipates filing that document by August 10, 2006.

S135128

COX (MICHAEL A.) ON H.C.

Extension of time granted

to April 3, 2006 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon Assistant Federal Defender Timothy J. Foley's representation that he anticipates filing that document by April 3, 2006.

S136327**JURADO (ROBERT J.) ON H.C.**
Extension of time granted

to May 17, 2006 to file the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 80 additional days will be granted. Extension is granted based upon Deputy Attorney General Marvin E. Mizell's representation that he anticipates filing that document by August 7, 2006.

S029476**PEOPLE v. BOYER (RICHARD DELMER)**
Request for judicial notice granted

Appellant's request for judicial notice of the record of the prior appeal in this matter (*People v. Boyer*, S004656), including all briefs, pleadings, and transcripts included therein, is granted. (Evid. Code, § 452, subd. (d)(1), 459.)

S045982**PEOPLE v. AVILA (JOHNNY, JR.)**
Order filed

Good cause appearing, appellant's Request for Leave to File Letter Listing Additional Authorities, Less Than Ten Days Prior to Oral Argument, which request is dated February 10, 2006, is granted.

S139317**WILSON ON DISCIPLINE**
Recommended discipline imposed

It is ordered that **STEVEN LEE WILSON, State Bar No. 102944**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 5, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California.

Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S139322

BELL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CAROLE A. BELL, State Bar No. 122753**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 30, 2005. If the respondent is actually suspended for two years or more, she

must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S139323

DAVIS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DOUGLAS WILLIAM DAVIS, State Bar No. 132620**, be suspended from the practice of law for two years and until he makes restitution to Cornelius Scott, M.D., (or the Client Security Fund, if appropriate) in the amount of \$35,523.50 plus 10% interest per annum from January 23, 2001, and furnishes satisfactory proof thereof to the State Bar Office of Probation; and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court

in its oas filed on September 30, 2005. Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

S139324**HARRINGTON ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **MYLIK R. HARRINGTON, State Bar No. 213894**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S139326**CUTLER ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **STEPHAN Z. CUTLER, State Bar No. 63998**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138592**LOFFARELLI ON DISCIPLINE**

Time extended to grant or deny rehearing

to April 26, 2006.

S140955

SAMUELS ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **WILLIAM S. SAMUELS, JR., State Bar No. 47116**, as a member of the State Bar of California is accepted.

S140956

SCHMIEGE ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **ROBERT SCHMIEGE, State Bar No. 59013**, as a member of the State Bar of California is accepted.

S140957

SCHNEIDER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN WARNER SCHNEIDER, State Bar No. 44634**, as a member of the State Bar of California is accepted.

S140958

STARBUCK ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **CHARLES STARBUCK III, State Bar No. 60050**, as a member of the State Bar of California is accepted.

S140961

FRIER ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JEFFREY CLAY FRIER, State Bar No. 85366**, as a member of the State Bar of California is accepted.

S140963

FRY ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **CATHERINE JEANNE FRY, State Bar No. 141203**, as a member of the State Bar of California is accepted.

S140965

HOOKE ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **ALAN CHARLES HOOKE, State Bar No. 41401**, as a member of the State Bar of California is accepted.

S140966

GARVEY ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JILL MEIER GARVEY, State Bar No. 123840**, as a member of the State Bar of California is accepted.

S140967

HICKS ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **WILLIAM CLAYTON HICKS, State Bar No. 174645**, as a member of the State Bar of California is accepted.

S140968

KAPPOS ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN M. KAPPOS, State Bar No. 28124**, as a member of the State Bar of California is accepted.

S140969

LA LIMA ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DAVID JOHN LA LIMA, State Bar No. 52550**, as a member of the State Bar of California is accepted.

S141020**KAMENETZ ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **BRYAN D. KAMENETZ, State Bar No. 208678**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S141022**LEBEAU ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **CHARLES P. LEBEAU, State Bar No. 127532**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S141023**SCHENCK ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **RONALD DEAN SCHENCK, State Bar No. 33975**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any

disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S141024

LEASURE ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of **ROSELLA M. LEASURE, State Bar No. 46902**, as a member of the State Bar of California is accepted.

S141025

LEIBOFF ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of **ELLIOT LEIBOFF, State Bar No. 77155**, as a member of the State Bar of California is accepted.

S141026

LEVIN ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of **WARREN S. LEVIN, State Bar No. 32767**, as a member of the State Bar of California is accepted.

S141030

LOGAN ON DISCIPLINE

Voluntary resignation accepted

The voluntary resignation of **DEANNA DORMAN LOGAN, State Bar No. 116650**, as a member of the State Bar of California is accepted.

S141031

STEELE ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **DONNALEE R. STEELE, State Bar No. 106905**, as a member of the State Bar of California is accepted.

S141032

STEINBERG ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **FREDERIC STEINBERG, State Bar No. 32340**, as a member of the State Bar of California is accepted.

S141033

STRANGMAN ON RESIGNATION
Voluntary resignation accepted

The voluntary resignation of **JOHN FREDRICK STRANGMAN, State Bar No. 46018**, as a member of the State Bar of California is accepted.